

Attorney's Docket No.: 14170-019004
Client's Ref. No.: 25-31-0024

OFFICIAL COMMUNICATION

FACSIMILE

FOR THE PERSONAL ATTENTION OF:

EXAMINER R. KEARNEY ROLLINS

U.S. PATENT AND TRADEMARK OFFICE (PATENT)

COMMISSIONER FOR PATENTS

WASHINGTON, DC 20231

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Applicant : Christopher D. Casscells et al.
Serial No. : 09/731,686
Filed : December 5, 2000

Art Unit : 3739
Examiner :

FACSIMILE COMMUNICATION

Title : ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES

Attached is a copy of the 12/9/03 filing.

Respectfully submitted,



Edward G. Faeth

Date: January 20, 2004

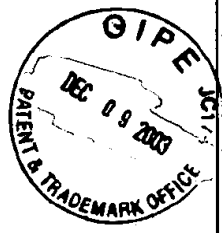
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Attorney's Docket No. 14170-019004	Express Mail Label No.	Mailing Date December 9, 2003	For PTO Use Only <i>Do Not Mark in This Area</i> 
Application No. 09/731,686	Filing Date December 5, 2000	Attorney/Secretary Init PKK/BXD/egf	
Title of the Invention ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES			
Applicant Christopher D. Casscells et al.			
Client Reference No. 25-31-0024			
Enclosures · Response (4 pages)			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher D. Casscells et al. Art Unit : 3739
Serial No. : 09/731,686 Examiner : R. Kearney
Filed : December 5, 2000
Title : ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES

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Commissioner for Patents
P.O. Box 1450
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REMARKS

In reply to the Final Office Action of September 9, 2003, Applicants submits the following remarks.

Claims 1, 3-4, 7-10, 13, 18, 20, 24-27, 35, 37-47, and 49-51 are pending and under consideration. Claims 1, 20, 37, 38, and 45 are independent. The claims stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rydell (5,810,809) and/or under 35 U.S.C. § 103(a) as being obvious over Rydell in view of Auth et al. (4,532,924). Applicants respectfully disagree. The Examiner's "Response to Arguments" states that "[i]n col. 3 line 39 – col. 4 line 2 Rydell discloses shaft (24) as providing an electrical and mechanical coupling" (Office Action at 3). Applicants explain in detail below that Rydell's inner tube 24 does not receive electrical power.

Claims 1 and 37 require in part "the shaft mechanically and electrically coupled at a distal end to the tip, and at a proximal end, to the drive interface and an electrical interface" (claim 1). Tube 24 of Rydell is not electrically coupled to an electrical interface. Rather, inner tube 24 is electrically isolated from power supply 40 (which the Examiner equates with the claimed electrical interface; Office Action at 2, paragraph 2). Rydell's instrument 10 and power supply 40 are connected along a torque transmitting cable 38 and an electrical cable 42 (see Fig. 1 and col. 3, line 62 – col. 4, line 7). The isolation of tube 24 from cable 38 is provided by "molded plastic coupler 72 [that] electrically isolates the cable 74 [(which, along with sheath 76, makes up cable 38)] from the drive shaft 70" (col. 4, lines 54-56) which is coupled to tube 24 (col. 3, lines 65-67). Tube 24 is isolated from cable 42 because the electrical path from power supply 40 to electrode surface 12 on the end of outer tube 20 does not go through inner tube 24.